



WASHOE COUNTY

Integrity Communication Service
www.washoecounty.us

CM/ACM ___
Finance ___
DA ___
Risk Mgt. n/a ___
HR n/a ___
Other ___

STAFF REPORT

BOARD MEETING DATE: March 28, 2017

DATE: March 1, 2017
TO: Board of County Commissioners
FROM: Al Rogers, Director of Management Services
THROUGH: John Slaughter, County Manager
SUBJECT: Discussion and possible adoption of the 2017 Rules of Procedures – Washoe County Board of Commissioners (All Commission Districts)

SUMMARY

The Board has discussed and received an updated 2017 Rules of Procedures – Washoe County Board of Commissioners that has been discussed at previous workshops. The purpose of the Rules of Procedures is to adopt a parliamentary authority and to establish supplemental rules of procedures for the conduct of meetings and Commissioners where such rules are not inconsistent with the laws of the State of Nevada.

PREVIOUS ACTION

January 31, 2017 – The Board of Commissioners discussed and gave additional direction on items for updating the 2015 Rules of Procedures as part of the annual strategic planning workshop. It was requested to return for adoption in early 2017.

November 3, 2016 – The Board of Commissioners discussed and gave initial direction on items for updating the 2015 Rules of Procedures as part of the fall strategic planning workshop.

January 13, 2015 – The Board of Commissioners adopted the 2015 Rules and Procedures by a majority votes.

BACKGROUND

The Rules of Procedures for the Washoe County Board of Commission have been in use since at least 2012 in its current form. This document has been updated over the past years and this update includes the 2008 Board of County Commission Communication Policy, Commission lobbying policy and other best practices used in similar jurisdictions for similar documents. The purpose of the Rules of Procedures is to adopt a parliamentary authority and to establish supplemental rules of procedures for the conduct of meetings and Commissioners where such rules are not inconsistent with the laws of the State of Nevada.

AGENDA ITEM # 14

FISCAL IMPACT

No fiscal impact with this item.

RECOMMENDATION

Staff recommends that the Board adopt the 2017 Rules of Procedures – Washoe County Board of Commissioners.

POSSIBLE MOTION

A possible motion would be *“I move to adopt the 2017 Rules of Procedures – Washoe County Board of Commissioners.”*

**WASHOE COUNTY
BOARD OF COMMISSIONERS**

**RULES OF PROCEDURE
HANDBOOK**

TABLE OF CONTENTS

Article 1, Title	1
Article 2, Purpose.....	1
Article 3, Policy	1
Article 4, Parliamentary Authority	1
Article 5, Commission Meeting, Preparation	1
Article 6, Commission Meeting Procedures	2
Article 7, Administration	4
Article 8, Boards and Commissions.....	5
Article 9, Commission Communication	6
Article 10, Commission Lobbying	7
Article 11, Use of Rules	8
Article 12, Amendments	8

ARTICLE 1 - TITLE

This document shall be known as the Rules of Procedure - Washoe County Board of Commissioners.

ARTICLE 2 - PURPOSE

The purpose is to adopt a Parliamentary Authority and to establish supplemental rules of procedure for the conduct of meetings and members of the Board of County Commissioners where such rules are not inconsistent with the laws of the State of Nevada.

ARTICLE 3 - POLICY

The Rules of Procedure are not intended to legally bind the Washoe County Commission and are only for the benefit of the Commission and do not confer any rights upon third persons.

ARTICLE 4 - PARLIAMENTARY AUTHORITY

Where consistent with state law and not otherwise provided in these Rules of Procedure, the conduct of the meetings of the Board of County Commissioners shall be governed by the most recent edition of Mason's Manual of Legislative Procedure.

ARTICLE 5 – COMMISSION MEETING PREPARATION

- 5.1 **Commission Meeting** – Time and Location. All regular meetings of the County Commission shall be held at the times and locations specified by Washoe County Code 5.017 and in compliance with Nevada Revised Statutes (NRS) Chapter 241 Open Meeting Law.
- 5.2 **Commission Meetings** – Open to the Public. All meetings of the County Commission and of committees thereof shall be open to the public, except as provided in compliance with NRS 288.220
- 5.3 **Presiding Officer.** The Chair shall preside at meetings of the Commission and be recognized as the head of the County for all ceremonial purposes. The Chair shall have no regular administrative or executive duties. In case of the Chair's absence or temporary disability, the Vice-Chair shall act as Chair during the continuance of the absence. In case of the absence or temporary inability of the Chair and the Vice-Chair, an acting Chair selected by member of the Commission shall act as Chair during the continuance of absences. The Chair or Vice-Chair is referred to as "Presiding Officer" from time-to-time in these Rules of Procedure.
- 5.4 **Quorum.** At all meetings of the Commission, a majority of the Commission members who hold office shall constitute a quorum for the transaction of business.
- 5.5 **Meeting Item Requests.** Any Commissioner may place an item on the agenda by so requesting in a public meeting or by contacting the County Manager, all Commissioners will be advised by the County Manager as soon as reasonably possible, of any Commissioner's request to place an item on the agenda.
- 5.6 **Requests of Staff.** Commission members will not request any staff project that entails over two hours of staff work without seeking approval of the Commission through an item placed on the Board agenda. Commissioner requests that are considered on an agenda for this purpose should identify the Strategic Objective/Fiscal Goal that is related. If no Strategic Objective/Fiscal Goal is related it must be noted.

- 5.7 **Attendance.** Commission members are expected to attend all scheduled meetings. Members may be excused from meetings by complying with this section. If a member is unable to attend a scheduled meeting, the member shall contact the Chair and County Manager prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Chair, the member shall contact the County Manager who shall convey the message to the Presiding Officer.
- 5.8 **Special Commission Meetings.** A special meeting may be called by the Chair or upon written request of a majority of the members in accordance with the provisions of NRS 244.090
- 5.8 **Concurrent Meetings.** In the absence of extraordinary circumstances, concurrent meetings with other governmental entities should be scheduled for dates and times on which all five Washoe County Commissioners have indicated their ability to be present. However, meetings that can be attended by only three Commissioners shall not be scheduled without formal action by the Commission to approve that participation.
- 5.9 **Commission Material.** Commission members and affected staff should read the agenda material in preparation for the Commission meeting. If a Commission member needs clarification on an issue, the Commissioner should contact the County Manager, Assistant County Manager or Department Head for clarification prior to the Commission meeting, when possible.
- 5.10 **Commission Packets.** Commission members may personally pick up their agenda packets from individual offices or download the packet from the website, unless otherwise arranged by the member or further directed by the Commission.
- 5.11 **Commission Meeting Agenda.** The County Manager shall arrange a list of proposed matters according to the order of business and prepare an agenda for the Commission. After the proposed agenda has been approved by the presiding officer, a copy of the agenda and supporting materials shall be prepared for Commission members, the County Manager, County Clerk and District Attorney.
- 5.12 **Consent Agenda.** The County Manager, in consultation with the Presiding Officer, shall place matters on the consent agenda which: (1) have been previously discussed by the Commission; or (2) based on the information delivered to members of the Commission by administration can be reviewed by a Commission member without further explanation, (3) have a financial impact to the organization of \$150,000 or less; or (4) are so routine, technical or “housekeeping” in nature that passage without discussion is likely.
- 5.13 **Ordinances.** All draft ordinances will be shared with the entire Board at a minimum of twenty one (21) days prior to the proposed ordinance introduction.

ARTICLE 6 – COMMISSION MEETING PROCEDURES

6.1 **Motions and Discussion**

- 6.1.1 All items of business before the Commission that require the expenditure of Commission and/or administration resources shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent “approval by default” of a failed negative motion.
- 6.1.2 All items requesting action and before the Commission will require a motion by one Commissioner and a second by another Commissioner to continue and be complete with an action.

6.1.3 When possible, Commission members should direct questions primarily to the County Manager, legal issues/questions should be directed to the District Attorney.

6.2 **Order of Business.** The agenda should be arranged to best serve the needs and/or convenience of the Commission and the public. The Presiding Officer may, during a Commission meeting, rearrange items on the agenda to conduct business before the Commission more expeditiously. The ordinary order of business is:

- 6.2.1 Salute to the Flag
- 6.2.2 Roll Call
- 6.2.3 Public Comment
- 6.2.4 Commissioner/County Manager Comments
- 6.2.5 Employee Recognition
- 6.2.6 Donations
- 6.2.7 Proclamation/Declarations
- 6.2.8 Appointments
- 6.2.9 Consent Items
 - 6.2.9.1 Includes approval of minutes of previous meetings
- 6.2.10 Presentations
- 6.2.11 Standard Department Items
- 6.2.12 Public Hearing
- 6.2.13 Public Comment
- 6.2.14 Possible Closed Session – Labor Negotiations
- 6.2.15 Commissioner/County Manager Comments
- 6.2.16 Adjournment

6.3 **Closed Session** It may be necessary to conduct closed session meetings of the Commission for the purpose of discussing Washoe County labor issues. During any closed session of the Washoe County Commission, the Caucus Room shall be reserved solely for the use of the members of the Commission and selected staff of Washoe County. No other person or persons shall access thereto, whether they be member of the press, news media or members of the public at large. These meetings will be compliant with NRS 288.220

6.4 **Telephonic Appearance.** A Commissioner may participate telephonically in all or part of a Commission meeting if:

- 6.4.1 Prior approval is given by the Chair or presiding officer for good cause, whose approval shall not be unreasonably withheld.
- 6.4.2 All persons participating in the meeting are able to hear each other at the same time by the use of speaker phone.
- 6.4.3 Commissioner participating telephonically shall have reviewed all of the applicable material and participated in the relevant portion of the Commission meeting related to the topic to which the Commissioner is voting on.
- 6.4.4 During any meeting that a Commissioner is attending via telephone, the Chair or presiding officer shall state for the record that a particular Commissioner is attending via telephone and the reasons for such attendance.
- 6.4.5 Commissioners appearing via telephone may participate and vote during the meeting as if they were physically present at the meeting.
- 6.4.6 Commissioners appearing via telephone shall comply with all rules and procedures as if they were physically present at the meeting.

- 6.5 **Recess Due to Emergency or Disruption.** In the event of emergency, such as a fire, threatened violence, or inability to regain good order, the Chair shall forthwith declare the meeting recessed and the County Commission shall immediately leave the premises.
- 6.6 **Permission Required Addressing the Commission.** Persons, outside of scheduled public comment periods, other than Commission members and staff may be permitted to address the Commission upon recognition and/or introduction by the Presiding Officer. The Presiding Officer will acknowledge speakers at the appropriate time during the meeting. Once the Board meeting begins, members of the Board should refrain from engaging in private discussion with any non-staff member of the audience regarding any item before the Board.
- 6.7 **Voting.** The votes during all meetings of the Commission shall be transacted as follows:
- 6.7.1 The Chair has full voting authority as any other Commission member.
 - 6.7.2 All votes shall be taken by digital entry roll call or by voice, except that at the request of any Commission member, a roll call vote shall be taken by the County Clerk. The order of the roll call vote shall be determined by the Presiding Officer.
 - 6.7.3 In case of a tie vote on any proposal, the motion shall be considered lost.
 - 6.7.4 In all cases of voting by other than voice vote, the County Clerk shall record the names of those voting on each side of the question and of those abstaining. In all cases of voting, it shall be sufficient for the Chair to announce, and the record reflect, whether the motion carried or failed.
 - 6.7.5 A Commissioner may only abstain from voting when he or she has a direct personal or pecuniary interest not common to other members of the Commission, which is full expressed to all other members of the Commission during the Commission meeting.
 - 6.7.6 **Exparte Communication** A Board member will disclose on the record any exparte communication and any relevant information pertaining thereto, on an appeal (e.g., land use application appeal, work card permit appeal, etc.) that is to be decided by the Board.
- 6.8 **County Manager.** The County Manager, as the chief executive officer and head of the administrative branch of County government, or his/her designee, shall attend all meetings of the County Commission, unless excused by the Presiding Officer or Commission. The County Manager shall be responsible to the Commission for the proper administration of all affairs of the County. The County Manager shall recommend for adoption by the Commission such measures as he/she may deem necessary or expedient; prepare and submit to the Commission such reports as may be required by the body or as the County Manager deems it advisable to submit; keep the Commission fully advised as to the business of the County; and shall take part in the Commission's discussion on all matters concerning the welfare of the County. In the event that the County Manager is unable to attend a Commission meeting, the County Manager shall appoint a staff member to attend the meeting in their absence.
- 6.9 **County Clerk.** In accordance with NRS 246.060, the County Clerk shall be the Clerk of the Commission and shall record votes, keep minutes and records and all other duties required by any other law of this State

ARTICLE 7 – ADMINISTRATION

- 7.1 **Election of Officers** The County Commissioners shall elect one of their members as Chair of the Board and another of their member as Vice-Chair of the Board, both to serve a one year term. It is the intent of the Board that the Vice-Chair ascends to Chair of the Board at the conclusion of the term as Vice-Chair; however, the Vice-Chair may decline, at which time the Board shall elect a Chair and Vice-Chair.

- 7.2 **Suspension of Rules.** Any rule may be suspended at any time by a simple majority vote of the Board of County Commissioners, so long as the action to suspend the rule is listed as an action item on the agenda of a duly noticed meeting of the Board.
- 7.3 **Reconsideration.** A motion to reconsider any action taken by the Commission may be made only during the meeting at which the action was taken or at the next regularly scheduled meeting, within no more than twenty-five (25) days of the meeting at which the action was taken. A motion to reconsider must be made by a Commissioner who voted on the prevailing side of the motion being reconsidered, but a motion to reconsider may be seconded by any member of the Commission. A previous motion failing by virtue of a tie vote may be reconsidered upon motion of any Commissioner. If a motion for reconsideration relates to an item requiring legal notice, only the motion itself shall be debated and, if passed, reconsideration of the item continued to a future date to allow for the provision of legal notice.
- 7.4 **Board Correspondence.** When a Board member sends out correspondence stating that Board member's official position regarding a constituent complaint or other County issue, a copy of said correspondence, either paper or electronic, will be retained on file in the Office of the County Manager and copies sent to the other Board members.
- 7.6 **Commission Evaluation.** The County Commission will do a self-evaluation every six months
- 7.7 **Commissioner Travel.** Each Commissioner, as a general rule, will be allocated 20% or 1/5 of the annual Commissioner travel/training budget for professional development and attending training and conferences. That amount may be modified based on Commissioners who have been appointed to boards and committees that require travel at the local, state and federal level that may require County financial support.
- 7.8 **Commissioner Auto Expense.** Each Commissioner will submit their individual mileage reimbursement log related to business travel via their personal automobile on a quarterly basis as a minimum with a mandatory 4th quarter deadline of June 30th of each year to align with fiscal budgets.

ARTICLE 8 – BOARDS AND COMMISSIONS

- 8.1 **Board Member Appointment to Certain Boards.** Unless otherwise prescribed by regulation, Board member appointment to boards and committees is limited to two consecutive terms as defined by the respective board or committee. In the event a Board member has served two terms on one of the above Boards, and no other Board member wishes to serve on the Board, then the Board member can be reappointed to the Board for another term. Notwithstanding the above, preference for appointment to TRPA shall be given to the Commissioner whose district includes the Tahoe Basin.
- 8.2 **Terms of Service of County Appointees on Boards.** Except as otherwise provided herein, the limit of service for an individual appointed to a board is two consecutive terms. The limit of service for an individual appointed to a Citizens Advisory Board is three consecutive terms. An individual filling an unexpired term with $\frac{3}{4}$ or more of that term remaining shall be considered as having served for a full term. An additional term may be considered for an individual's appointment if there are no other qualified applicants. Consideration should be given to assuring broad County wide representation on boards. Appointments are not to be limited to individuals from the unincorporated area unless otherwise specified or intended by law.
- 8.3 **Resignations of County Appointees from Boards.** A resignation by an appointee from a County board shall be in writing, addressed to the Board of County Commissioners and filed with the Washoe

County Clerk. The resignation is final and effective when received by the Clerk and cannot be withdrawn by the appointee after that time.

ARTICLE 9 – COMMISSION COMMUNICATIONS

- 9.1 **Overview.** All letters, memoranda, and interactive computer communication involving Commissioners which relates to the conduct of government or the performance of any governmental function are public records.
- 9.2 **Written Communication.** Written correspondence received by the Commission, addressed to the Commission as a body will be provided to all Commission members, and a record kept according to the County’s records and retention schedule.
- 9.3 **Electronic Communications.** Commission members shall avoid email/text exchanges which ultimately involve three or more Commission members.
- 9.4 **Commissioner Communication.** A Commission member or staff may send an informational email to the entire Commission without creating a meeting subject to the Open Meeting Law. The sender must make clear in the communication that the email is informational only and that no response should be made to all included on the communication.
- 9.5 **Commissioner to Commissioner Communications.**
- 9.5.1 County Commissioners are committed to demonstrating open, honest, and respectful communications with each other, staff and public we all serve.
- 9.5.2 Communication among Commissioners outside of public meetings shall comply with the Nevada Open Meeting Law.
- 9.5.3 The Chair, or in his/her absence, the Vice-Chair, will address any issues or concerns regarding communication protocols involving other Commissioners.
- 9.6 **Commissioner to Staff Communications.**
- 9.6.1 The Board holds the County Manager accountable to exercise the authority and responsibility to manage County staff, and in order to provide for effective communication and direction to staff, Commissioners will go through the County Manager or Assistant County Managers to request staff assistance or to give staff direction in appointed departments. Commissioners will go through elected department heads with any requests in their areas of responsibility. In the event of an emergency that will not permit a Commissioner to go through the Manager or Assistant Managers, Commissioners may request staff assistance or provide limited direction to Department Heads, with a copy to the County Manager as soon as it is reasonably possible.
- 9.6.2 In no case should individual Commissioners give direction to, or seek “substantial staff assistance” directly from staff other than department heads without first contacting management staff. Substantial staff assistance is defined as staff effort requiring more than one employee’s time, or more than two hours. Requests for staff time exceeding this definition are covered in Article 7.5 of this document. This does not preclude Commissioners from requesting simple information or asking questions on behalf of constituents, but this should be limited, and requests should always be copied to the County Manager so that problem areas can be identified and efficiency and accountability for performance can be centralized with the Manager.
- 9.6.3 In order to utilize staff resources most efficiently, Commissioners will make every effort to avoid making identical requests of multiple staff members.

- 9.6.4 In the event that a matter is confidential and cannot be communicated to the County Manager, Assistant County Managers or Department Heads, the District Attorney's office should be consulted through the Chair.
- 9.6.5 Staff members will apprise their Department Head, Assistant County Managers or County Manager, as appropriate, whenever they communicate with a Commissioner on official County business.
- 9.6.6 When a request by a Commissioner is made, staff members responsible will demonstrate thorough and responsive follow-up. Requests from Commissioners will be prioritized for action as the highest priority requests, unless identified as lower priority by the requesting Commissioner.
- 9.6.7 Staff will, as soon as possible, advise Commissioners through appropriate channels of any communications from the public, other staff, or outside agencies that may affect their districts and/or their constituents.
- 9.6.8 Staff members will use clear, accurate and timely communication to ensure that Commissioners have information they need in order to effectively fulfill their responsibilities as Commissioners.

Commissioner to Media & Constituent Communications

- 9.7.1 The Chair, Vice-Chair and/or the County Manager are the official spokespersons for the Board of County Commissioners and Washoe County and/or identify the proper subject matter expert to speak on behalf of the Commission.
- 9.7.2 Commissioner to media communications: Commissioners speaking to the media will clearly indicate whether comments that they are expressing are the official position of the Washoe County Board of Commission or represent their own personal views
- 9.7.3 Commissioners should advise the Chair, Vice-Chair and the County Manager when making comment to the media regarding policy making decisions on Commission/Washoe County related matters.
- 9.7.4 Commissioners media comment must accurately reflect the Commission's position on the topic as determined by the Commission and in accordance with the current Washoe County Strategic Plan objectives and goals
- 9.7.5 Commissioner to Constituent communications. Any communications to constituents includes transparency communication methods, current events, and identifying the role of staff and County resources for that purpose.

ARTICLE 10 – COMMISSION LOBBYING

- 10.1 **Overview.** Washoe County has determined that in order to provide for the security and welfare of the inhabitants of Washoe County it is necessary for county officers and employees to participate in the State of Nevada's biennial legislative process, including legislative and lobbying activities, and in so doing, those county officers are carrying out public business. *The Washoe County Lobbying Policy: State Legislature* provides guidelines and requirements that must be followed by all county officers, employees and contract lobbyists while engaged in such legislative and lobbying activities.
- 10.2 **Obligations.** County Commissioners who lobby or act as an issue expert before the Nevada State Legislature on behalf of Washoe County shall:

- 10.2.1 Abide by all applicable Washoe County policies, including the Washoe County Lobbying Policy: State Legislature;
- 10.2.2 Abide by all applicable Washoe County Code requirements;
- 10.2.3 Abide by all applicable State Statutes and Nevada Administrative Code requirements;
- 10.2.4 Abide by all policies of the Nevada State Legislature.

ARTICLE 11 – USE OF RULES

- 11.1 **Purpose.** These County Commission Rules of Procedure are designed to provide guidance for the Commission. They are not to be considered restrictions or expansions of County Commission authority. These rules have been prepared from review of many statutes, codes, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, codes, court cases or other authority.
- 11.2 **Use.** No action taken by a member or by the Commission which is not in compliance with these rules but which is otherwise lawful shall invalidate such member or Commission action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the County Commission may enforce these rules or rely on these rules. Failure of the County Commission to follow any of these rules shall be considered a Commission decision to waive such rule. No notice of such waiver need be given.
- 11.3 **Public Use or Reliance Not Intended.** Because these rules are designed to assist the County Commission and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, “appearance of fairness rules”, public hearing rules or other substantive rules binding upon or to be used by or relied upon members of the public. These rules do not amend statutory or other regulatory (such as County Code) requirements.

ARTICLE 12 - AMENDMENTS

Amendments to the Rules of Procedure may be proposed at any regular meeting and voted upon at any succeeding meeting, provided that at least a majority affirmative vote of the membership shall be required for adoption of such amendment.

APPROVED, AMENDED, and ADOPTED this day of March 28, 2017.

WASHOE COUNTY BOARD OF COMMISSIONERS:

By: ROBERT LUCEY, Chairman

Attest

Nancy Parent, County Clerk